

REMARKS

Claims 2, 5, 6, 10, 14, 17, 18, and 21-28 are pending in the application.

Request to Withdraw Finality of Election/Restriction Requirement and to Reconsider Requirement

In the Office Action dated December 27, 2007, the Examiner issued an election/restriction requirement in which the Examiner identified three species and associated each species with certain claims. The response filed January 28, 2008 traversed the requirement, in part, because it was improper. As discussed in more detail in the Response, it is improper since “claims themselves are never species.” MPEP 806.04(e).

In the present Office Action the Examiner made the restriction/election requirement final. The undersigned called the Examiner and understands that the Examiner will withdraw the finality of the election/restriction requirement and reconsider the requirement in light of the arguments made in the response filed January 28, 2008.

As previously argued, the election/restriction requirement is also improper since it issued after the Examiner already substantively examined the application and after an interview has been conducted to discuss the application.

Given the Examiner’s statement that the present restriction/election requirement will be withdrawn, this response does not address the claim rejections under § 102.

If there are any issues that can be resolved via a telephone conference, the Examiner is invited to contact the undersigned at 404.685.6799.

Respectfully submitted,

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